

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 139

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 29, Article III, of the Idaho Constitution, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Agriculture, Rules Governing Pesticide and Chemigation Use and Application, are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Board of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary Medicine, are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Health and Welfare, Vital Statistics Rules, are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Dentistry Board, Rules of the Idaho State Board of Dentistry, are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Division of Building Safety, Rules of the Idaho Electrical Board, are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2020 legislative session, that impose a fee or charge, be, and the same are hereby approved, with the exception of the following enumerated pending fee rules:

IDAPA 02.03.03, Rules of the Department of Agriculture, Rules Governing Pesticide and Chemigation Use and Application, Sections 310., 320., 550.03., and 600., only, adopted as pending fee rules under Docket Number 02-0303-1901.

1 IDAPA 46.01.01, Rules of the Board of Veterinary Medicine,
2 Rules of the State of Idaho Board of Veterinary Medicine, Section
3 011., Subsection 01., only, adopted as pending fee rules under
4 Docket Number 46-0101-1900F.

5 IDAPA 46.01.01, Rules of the Board of Veterinary Medicine,
6 Rules of the State of Idaho Board of Veterinary Medicine, adopted
7 as pending fee rules under Docket Number 46-0101-1902, the entire
8 rulemaking docket.

9 IDAPA 16.02.08, Rules of the Department of Health and Wel-
10 fare, Vital Statistics Rules, Section 201., Subsection 06., only,
11 adopted as pending fee rules under Docket Number 16-0000-1900F.

12 IDAPA 19.01.01, Rules of the Dentistry Board, Rules of the
13 Idaho State Board of Dentistry, Sections 035. and 036., only,
14 adopted as pending fee rules under Docket Number 19-0101-1901.

15 IDAPA 07.01.01, Rules of the Division of Building Safety,
16 Rules of the Idaho Electrical Board, Section 105., Subsections 09.,
17 a. and b., only, adopted as pending fee rules under Docket Number
18 07-0101-1901.

19 BE IT FURTHER RESOLVED that IDAPA 02.03.03, Rules of the Department
20 of Agriculture, Rules Governing Pesticide and Chemigation Use and Appli-
21 cation, Sections 310., 320., 550.03., and 600., only, adopted as pending
22 fee rules under Docket Number 02-0303-1901; IDAPA 46.01.01, Rules of the
23 Board of Veterinary Medicine, Rules of the State of Idaho Board of Veteri-
24 nary Medicine, Section 011., Subsection 01., only, adopted as pending fee
25 rules under Docket Number 46-0101-1900F; IDAPA 46.01.01, Rules of the Board
26 of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary
27 Medicine, adopted as pending fee rules under Docket Number 46-0101-1902,
28 the entire rulemaking docket; IDAPA 16.02.08, Rules of the Department of
29 Health and Welfare, Vital Statistics Rules, Section 201., Subsection 06.,
30 only, adopted as pending fee rules under Docket Number 16-0000-1900F; IDAPA
31 19.01.01, Rules of the Dentistry Board, Rules of the Idaho State Board of
32 Dentistry, Sections 035. and 036., only, adopted as pending fee rules under
33 Docket Number 19-0101-1901; and IDAPA 07.01.01, Rules of the Division of
34 Building Safety, Rules of the Idaho Electrical Board, Section 105., Subsec-
35 tion 09., a. and b., only, adopted as pending fee rules under Docket Number
36 07-0101-1901, are hereby rejected and not approved, and thereby pursuant to
37 Sections 67-5291 and 67-5224, Idaho Code, are declared null, void, and of no
38 force and effect.

39 BE IT FURTHER RESOLVED that rule provisions imposing fees or charges
40 that were not submitted through the Office of Rules Coordinator for leg-
41 islative review or that otherwise are not included and approved in this
42 concurrent resolution shall be null, void, and of no force and effect unless
43 approved by adoption of a separate concurrent resolution by both houses of
44 the Legislature as provided in Section 67-5224, Idaho Code.